

Appl. No. 10/673,651
Docket No. 9372
Amdt. dated July 31, 2007
Reply to Office Action mailed on 05/31/07

REMARKS

Claim Status

Claims 1-9 are pending in the present application. No additional claims fee is believed to be due.

Claim 24 is canceled without prejudice.

Claim 1 has been amended to recite that the product comprises an x-plane and a y-direction. Support for this amendment is found at page 7, lines 31-32 of the specification and in FIGS. 1A-1C. Claim 1 has also been amended to recite that the embossed sites extend in the y-direction from the x-plane of the embossed multi-ply fibrous structure product. Support for this amendment is found at page 7, lines 31-32 of the specification. Claim 1 has also been amended to recite that the density of the densified non-embossed sites is greater than the density of the non-densified embossed sites. Support for this amendment is found at page 4, lines 33-35 through page 5, lines 1-9 of the specification.

Claims 10-23 and 25 have been withdrawn as a result of an earlier restriction requirement.

Applicants have enclosed samples which exemplify the claimed invention as well as product made under the prior art as presented in the accompanying Declaration Under 37 CFR 1.132.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Appl. No. 10/673,651
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Rejection under 35 U.S.C. §112

The Examiner has rejected the Applicants' Claims 1 and 24 under 35 U.S.C. §112, second paragraph because it is unclear to the Examiner as to how embossed sites can be non-densified. (Office Action dated May 31, 2007, p. 2). The Examiner asserts that the Applicants' declaration filed November 2, 2006 states on the last line of p. 2 and the first two lines of p. 3 that the Applicants state that embossing results in compressed densified areas. The Applicants respectfully submit that the Declarant was describing what he understood from the Ruppel teaching.

Further, the Applicants' submit that the presently filed declaration clarifies what is meant by a non-densified embossed site and a densified non-embossed site (Declaration filed July 31, 2007, p. 3-4). Therefore, the Applicants respectfully submit that it is quite possible to have densified non-embosable sites and non-densified embossed sites.

Thus, the Applicants respectfully submit that the invention is clearly pointed out and distinctly claimed and respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

Interview Summary

The Applicants would like to thank the Examiner for taking the time on July 27, 2007 at 1 PM to discuss the instant application in person at the Patent and Trademark Office. The cited prior art (specifically the U.S. Pat. No. 3,846,636 to Ruppel) was discussed and evidence which is discussed in the concurrently submitted 132 Declaration was presented to the Examiner. Possible claim amendments were also discussed, although no formal resolution was reached.

Rejection Under 35 USC §102(b) Over U.S. Pat. No. 3,708,366

Claim 24 is proposed to be cancelled without prejudice. Thus, the rejection under 35 U.S.C. §102(b) is now moot.

Appl. No. 10/673,651
Docket No. 9372
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Rejection Under 35 USC §103(a) Over U.S. Pat. No. 3,708,366
in view of U.S. Pat. No. 4,135,024

Claim 24 is proposed to be cancelled without prejudice. Thus, the rejection under 35 U.S.C. §103(a) is now moot.

Rejection Under 35 USC §103(a) Over U.S. Pat. No. 3,708,366
in view of U.S. Pat. No. 5,846,636

Claims 1-9

Claims 1-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 3,708,366 to Donnelly et al. (hereinafter “Donnelly”) in view of U.S. Pat. No. 3,846,636 to Ruppel et al. (hereinafter “Ruppel”) and U.S. Pat. No. 4,135,024 to Callahan et al. (hereinafter “Callahan”). This rejection is traversed on the ground that Donnelly in view of Ruppel and Callahan fails to establish a *prima facie* case of obviousness because Donnelly in view of Ruppel does not teach or suggest all of the claim limitations of Claim 1, and the claims dependent therefrom. MPEP §§ 2142-2143, In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As amended, Claim 1 recites, *inter alia*, a product comprising **non-adhesively bonded, non-densified, embossed sites and adhesively bonded, densified, non-embossed sites**, wherein the density of the densified non-embossed sites is greater than the density of the non-densified embossed sites. As described in the Declaration filed November 2, 2006, an embossment is structurally distinct from a non-embossed site because “embossing a paper web causes permanent localized deformation in the paper such that the paper is deformed out of its original plane at the emboss sites and embossing causes stiffness at the pattern edges of the embossments.” (Declaration filed November 2, 2006, p. 2). Further, as described in the Declaration filed July 31, 2007 the structural distinctions are made very apparent in Exhibits A and B.

As argued in previous responses, Donnelly in view of Ruppel and Callahan fails to teach, suggest, or disclose that the non-embossed sites, and not the embossed sites have adhesive applied thereon. In fact, Donnelly and Ruppel both teach the opposite configuration. Specifically, Donnelly discloses that adhesive is applied “only in the apex portions of the embossments.” (Donnelly, Col. 4, lines 23-24) and Ruppel fails to remedy

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Docket No. 9372
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this deficiency by disclosing that application of adhesive in the embossed areas (“protrusions”) (Ruppel, Col. 4, lines 52-55).

The Office Action dated May 31, 2007 repeats the arguments of the Office Action of February 7, 2007 and states that that Fig. 3 of Donnelly is substantially the same as Fig. 1A of the instant application (Office Action dated February 7, p. 5) and that one could simply “flip over” the structure to have the analogous structure of the prior art (Office Action dated May 31, p. 8). As described *supra*, an embossed site is not the same thing as a non-embossed site because, as claimed, embossed sites are deformed out of the plane of the structure, have a different density, and are structurally distinct at the corners compared to a non-embossed site, and thus have a structural difference from a non-embossed site.

As argued previously, the Applicants understand that the general shape of the products described by Fig. 3 of Donnelly and Fig. 1A of the Applicants are similar, Donnelly clearly shows adhesive (13' of Donnelly, Fig. 3) in an embossment (9' of Donnelly, Fig. 3) while the Applicants claim adhesive (24 of Applicants' Fig. 1A) in a bond site (20 of Applicants' Fig. 1A) which is **not** in an embossment (22 of Applicants' Fig. 1A). The Office Action dated February 7, 2007 argues that it is merely semantics as to whether the Applicants call a region an embossed area or a non-embossed area and that one could merely invert the Applicants' Fig. 1A and have the same structure as is disclosed in Donnelly (Office Action dated February 7, 2007, p. 7). Claim 1 clearly provides a physical distinction between embossed sites and non-embossed sites. Specifically, the Applicants recite that **embossed sites are non-densified** and **non-embossed sites are densified**. Further, the Applicants submit that, based on the previously submitted Declaration of November 2, 2006, and based on Exhibits A and B of the Declaration dated July 31, 2007, one of skill in the art would clearly recognize that an embossed site is clearly physically distinct from a non-embossed site and as a result, appreciate the novelty and non-obviousness of the claimed invention over the prior art.

Callahan fails to remedy the above-mentioned shortcomings as Callahan recites a method of treating a web wherein embossing is used to “[increase] the frictional engagement and mechanical interlocking of fibers in the densified regions [of the web].” (Callahan, Col. 3, lines 32-33). Like Donnelly and Ruppel, Callahan is actually teaching the opposite configuration of what is claimed. The Applicants recite, *inter alia*, **non-densified embossed sites**. Thus, like the other cited art, Callahan fails to provide any

Appl. No. 10/673,651
Docket No. 9372
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teaching, suggestion, or motivation alone, or when viewed with Donnelly and Ruppel, to one of skill in the art to make the claimed invention.

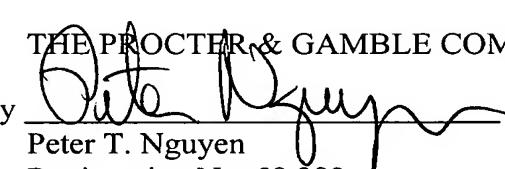
Therefore, Donnelly in view of Ruppel and/or Callahan does not teach, suggest, or motivate one of skill in the art to make a product comprising, *inter alia*, non-adhesively bonded non-densified embossed sites and adhesively bonded densified non-embossed sites as is claimed by the Applicants. As a result, the Applicants respectfully submit that the rejection of Claims 1-9 under 35 U.S.C. §103(a) is improper and should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 – 9 are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY
By 
Peter T. Nguyen
Registration No. 58,282
(513) 634-4268

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Customer No. 27752